

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**FOOD SAFETY AND INSPECTION SERVICE**  
WASHINGTON, DC

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<h1 style="margin:0;">FSIS NOTICE</h1>	25-03	6/23/2003
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**Issuance of a Ten Day Letter for  
Inactive Operations**

**I. PURPOSE**

This notice sets out the actions that a District Manager (DM) may take with an establishment that is not operating or has not responded to District office (DO) inquiries as to the establishment's operational status and intentions. This procedure is provided as a tool that District Managers may use to ensure that the Agency's resources are used as effectively and efficiently as possible.

**II. BACKGROUND**

A. FSIS Directive 5220.1 states that, "... an establishment may request in writing a voluntary suspension of inspection. A voluntary suspension of inspection is temporary and cannot exceed 120 calendar days. An establishment typically requests such suspensions for purposes of resale, major structural changes, or remodeling. When situations arise that are beyond the establishment's control (such as inability to obtain equipment on schedule, inability to complete major structural changes because of weather conditions or other valid reasons), the DM may extend the 120-day period, if the Deputy Administrator, FO concurs. Meat or poultry establishments that traditionally operate on a seasonal basis may be in suspension status beyond the 120-day period, but the suspension may not exceed 1 year."

B. Situations have occurred in which an establishment fails to resume operations after the 120 days or ceases operations without notifying the DO or without providing any explanation whether (or when) it plans to resume operations. Because every establishment must be under inspection to operate, DMs must account for every establishment in their district, even those that are not operating. Thus, inspection assignments are made to all establishments at which inspection has been voluntarily suspended. For this reason, it is necessary to provide a mechanism whereby the DM can remove from the inspection rolls an establishment that does not resume operations after 120 calendar days, or that otherwise ceases operations, without communicating with FSIS.

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<b>DISTRIBUTION:</b> District Managers	<b>NOTICE EXPIRES:</b> 7/1/2004	<b>OPI:</b> OPPD
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### **III. PROCEDURES FOR COMMUNICATING WITH INACTIVE ESTABLISHMENTS**

#### **A. How should a DM contact an establishment that has been inactive for more than 120 days?**

If an establishment is inactive for a period of more than 120 days and does not communicate its intentions to FSIS, or if it ceases operations without communicating with FSIS, the DM should send the establishment a letter providing the establishment ten days to respond as to why its grant of inspection should not be considered to have been voluntarily abandoned. The letter will inform the establishment that no response will result in such a determination. The letter is to be sent as return receipt requested.

#### **B. What does the DM do if the establishment responds within ten days?**

If the establishment responds within ten days from receipt of the letter, the DM will not consider the grant voluntarily abandoned and the establishment's grant of inspection will continue to be in effect. However, the establishment's response or its inactivity may cause the DM to make specific inquiries before reinstituting inspection services. For example, given the establishment's inactivity, the DM may question whether sanitary conditions exist in the establishment. Therefore, the DM can direct that the front-line supervisor assess the facility's sanitation before allowing resumption of production operations. Should the DM determine that pre-operational inspections are necessary, he/she should see that they are scheduled as soon as practicable.

#### **C. What does the DM do if the establishment does not respond within ten days?**

If the establishment does not respond after ten days from receipt, or if the DM's letter is not deliverable, the DM will treat the grant of inspection as being voluntarily abandoned, send a letter by regular mail to the last known address of the establishment announcing his/her action, and terminate the inspectional assignment for the establishment.

*/s/ Philip S. Derfler*

Assistant Administrator  
Office of Policy and Program  
Development

Attachment: Sample 10 Day letter  
Sample letter advising that Grant of Inspection has been Abandoned

**SAMPLE 10 DAY LETTER – SUGGESTED FORMAT**

Date

Establishment point of contact  
Establishment name & number  
Establishment address  
Establishment address

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
RECEIPT NO. XXXX XXXX XXXX**

**SUBJECT: 10 Day Notice of Abandonment of Inspection Services**

To whom it may concern:

Please be advised that if you do not respond to (District Manager name) at (District Office address) in writing within ten calendar days of your receipt of this letter with respect to your intentions regarding operations requiring federal inspection services under your Grant of Inspection at [state name and location of establishment], the grant of inspection will be deemed to have been abandoned.

There is no evidence of operations at your location, and there has been no communication with the District Office clarifying your intentions.

In the event that you do not respond, the establishment number currently assigned to your location will be deleted. If you wish to resume operations, reapplication for the Grant following Agency procedures will be required.

If you wish to avoid these consequences, please contact me in writing and explain your intentions.

Sincerely,

District Manager, District name

**SAMPLE LETTER ADVISING GRANT DEEMED VOLUNTARILY ABANDONED  
– SUGGESTED FORMAT**

Date

Establishment point of contact  
Establishment name & number  
Establishment address  
Establishment address

**SUBJECT: Notice of Voluntary Abandonment of Grant**

To whom it may concern:

Certified mail was sent to you on INSERT DATE by (District Manager name) at (District Office address) asking whether you intend to continue to conduct operations. Because of your failure to respond in writing to the District Office as requested, your Grant of Inspection has been deemed voluntarily abandoned pursuant to FSIS Notice No. XXXXXX. As such, inspection services for the establishment have been ordered discontinued effective immediately. The establishment number currently assigned to your location will be deleted. If you wish to resume operations after this termination, you must make reapplication for the Grant following Agency procedures will be required.

Any questions should be directed to (District Manager name) at (DM phone).

Sincerely,

District Manager, District name